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Filing date: **04/20/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

|                           |  |
|---------------------------|--|
| Proceeding                | 92061023   |
| Party                     | Defendant<br>Synaptyk, Inc.  |
| Correspondence<br>Address | SYNAPTYK INC<br>5700 GRANITE PARKWAY SUITE 900<br>PLANO, TX 75024<br>UNITED STATES |
| Submission                | Answer   |
| Filer's Name              | James H. Creedon   |
| Filer's e-mail            | james.creedon@kk-llp.com   |
| Signature                 | /James H. Creedon/   |
| Date                      | 04/20/2015   |
| Attachments               | Answer to Petition for Cancellation.pdf(90696 bytes )                              |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SYNAPTEK CORPORATION,

Petitioner,

v.

SYNAPTYK, INC.,

Registrant.

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Cancellation No. 92061023

Registration Nos. 44015160 & 4015163

**ANSWER TO PETITION FOR CANCELLATION**

Registrant Synaptyk, Inc. (“Registrant”) submits this Answer to Petitioner Synaptek Corporation’s (“Petitioner”) Petition for Cancellation (“Petition”).

The unnumbered allegation of damages in the preface is denied.

1. Registrant admits the allegations contained in Paragraph 1 of the Petition.
2. Registrant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 2 of the Petition and, therefore, denies the same.
3. Registrant admits the allegations contained in Paragraph 3 of the Petition.
4. Registrant admits the allegations contained in Paragraph 4 of the Petition.
5. Registrant denies the allegations contained in Paragraph 5 of the Petition.
6. Registrant admits the allegations contained in Paragraph 6 of the Petition.
7. Registrant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 7 of the Petition and, therefore, denies the same.
8. Registrant denies the allegations in Paragraph 8 of the Petition.

**AFFIRMATIVE DEFENSES**

1. Petitioner has not and will not be damaged by Registration Numbers 44015160 & 4015163 (“the Registrations”) and therefore lacks standing to petition to cancel the Registrations.

2. Petitioner is barred from seeking cancellation of the Registrations under the doctrines of waiver, laches and estoppel.

3. Petitioner has acquiesced in Registrant's registration and use of the Registrations that are the subject of the petition for cancellation.

Applicant reserves the right to amend its Answer to assert any and all affirmative defenses as may be supported by the facts to be determined through full and complete discovery.

### **CONCLUSION**

WHEREFORE, Registrant prays that the Petition for Cancellation be dismissed with prejudice and that the Board grant Registrant such other and further relief as is deemed proper and just.

DATED: April 20, 2015

Respectfully submitted,

By: /James H. Creedon /

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COUNSEL FOR REGISTRANT  
SYNAPTYK, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the attached Answer to Petition for Cancellation has been served upon the following counsel for Petitioner at the correspondence address reflected in the TTAB records on April 20, 2015, via electronic mail and First Class USPS Mail to:

Mark B. Harrison  
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**COUNSEL FOR PETITIONER  
SYNAPTEK CORPORATION**

/James H. Creedon/  
James H. Creedon